

IFW



XA-10279

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Takatsugu YAMADA et al.

Appln. No.: 10/525,947

Group Art Unit: 3679

Filed: February 28, 2005

Examiner: G. Binda

For: DUST COVER FOR STEERING SHAFT

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REQUEST FOR WITHDRAWAL OF ELECTION REQUIREMENT
AND FOR ISSUANCE OF NEW OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22314-1450

Sir:

Applicants respectfully request that the outstanding requirement for election of species be withdrawn and that a new Office Action be given for the reasons set forth below.

An election of species was initially required in this application by Office Action dated February 26, 2007. By reply (Amendment) timely filed on March 28, 2007, Applicants made a provisional election of species and traversed the

election requirement. In a further Office Action dated April 20, 2007, the election requirement was maintained and an action on the merits was given with respect to Claims 5-8, 20, 21, 26, 27, 29, and 30.

In maintaining the election requirement, the Office Action asserted that Applicants' reply of March 28, 2007 "did not distinctly and specifically point out the supposed errors in the restriction requirement" (Office Action at page 2). The reply was therefore treated as an election without traverse. However, the Office's assertion is clearly in error.

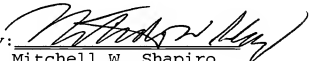
Contrary to the Office's assertion, Applicants' reply of March 28, 2007 did, in fact, point out error in the election requirement. Specifically, Applicants pointed out that the Office Action of February 26, 2007 had failed to apply the PCT Unity of Invention standard, which governs the instant PCT national stage application. The Office Action had instead applied U.S. election of species practice, which is improper in a PCT national stage application. Thus, in view of Applicants' reply, there was no proper basis for the election of species requirement to be maintained.

Accordingly, Applicants respectfully request that the election of species requirement be withdrawn and that a new

Office Action be issued on the merits of all pending Claims
(Claims 1-30).

The Commissioner is hereby authorized to charge to
Deposit Account No. 50-1165 any fees under 37 C.F.R.
 §§ 1.16 and 1.17 which may be required by this paper, and to
credit any overpayment to that Account. If any extension of
time is required in connection with the filing of this paper
and has not been requested separately, then such extension is
hereby requested.

Respectfully submitted,

By: 
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MWS:ecr

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May 3, 2007